

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

F. G. CROSTHWAITE, et al., as Trustees of
of the OPERATING ENGINEERS' HEALTH
AND WELFARE TRUST FUND, et al.

Plaintiffs,

v.

GALLETTI & SONS, INC., *aka* GALLETTI
AND SONS, INC., *fka* GALLETTI
CONCRETE PUMPING CO., *aka* GALLETTI
CONCRETE, INC., a California Corporation,

Defendant.

Case No.: C12-1242 CW

**ORDER GRANTING PLAINTIFFS'
APPLICATION FOR TEMPORARY
RESTRAINING ORDER and ORDER TO
SHOW CAUSE, DENYING WITHOUT
PREJUDICE APPLICATION FOR EX-
PARTE RIGHT TO ATTACH ORDER and
ORDER FOR WRIT OF ATTACHMENT**

Having considering Plaintiffs' Motion, and all supporting documents, the Court hereby
ORDERS as follows:

1. Plaintiffs' Motion for a Temporary Restraining Order, freezing Defendant's assets
and halting any transfer or disposition of Defendant's equipment or assets, through sale or
otherwise, is GRANTED.

2. This Order specifically applies to any and all funds received from general
contractors, purchasers of Defendant's equipment or other assets both liquid and fixed, and
received or to be received, as described in Plaintiffs' Motion.

3. Any monies already in Defendant's possession, or received following this Order,
including from the sale of Defendant's assets or equipment, up to an amount of \$411,507.92, shall
be deposited immediately with the Clerk of the Court of the Northern District of California.

4. Pursuant to Federal Rule of Civil Procedure 65(c), Plaintiffs shall post security in
the amount of \$5,000.00 within two (2) court days after the date of this Order. Plaintiffs may
furnish the required security by making a cash deposit with the Clerk's Office in a manner that
complies with Civil Local Rule 65.1-1.

1 5. The Temporary Restraining Order shall be effective until the earlier of the
2 following:

- 3 a) 14 days after this Court grants Plaintiff's request for an *ex parte* Right to Attach
4 Order and Writ of Attachment; or
5 b) 14 days after Plaintiffs' request for issuance of a Writ of Execution is granted,
6 following issuance of Judgment in this Action.

7 6. Plaintiffs' request for an *ex-parte* Right to Attach Order and Writ of Attachment is
8 DENIED without prejudice on the ground that Plaintiffs have not specified the property they seek
9 to have attached.

10 7. Defendant must show cause on or before August 17, 2012, by filing, through
11 counsel, and serving that same day, any opposition to the Court's order, why this order should not
12 remain in effect. Plaintiff may file a reply on August 20, 2012 by 5:00 pm and serve it on
13 Defendant that day. If an opposition is filed, the matter will be heard on August 22, 2012 at 2 p.m.
14 in courtroom two, 1301 Clay Street, Oakland, CA. If no opposition is filed, this order shall be
15 continued as a preliminary injunction pending the determination of Plaintiff's motion for default
16 judgment.
17 judgment.

18 8. Plaintiffs are directed to serve a copy of this Order on Defendant by email and First
19 Class Mail and to file a proof of service.
20

21 IT IS SO ORDERED.
22

23 Dated: August 10, 2012
24



25 The Honorable Claudia Wilken
26 United States District Court Judge
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